

REMARKS

This communication is intended to fully comply with a good faith response to the Examiner's Final Office Action mailed January 19, 2006. This communication, in conjunction with the attached Request For Continued Examination is expected to reopen prosecution of the instant application and terminate the pending Appeal process. The Examiner's rejections are listed here in the order in which they are addressed.

- I. Claims 1-5, 9-14, and 128 are rejected under 35 USC § 112 ¶ 2 as allegedly being indefinite.
- II. The Sequence Listing is allegedly not compliant.

I. The Claims Are Definite

The Examiner believes that the claims are indefinite because:

... the sequence recited ... represents an RNA sequence, and not a DNA polynucleotide ... [because] ... The nucleobase Uracil is only found in RNA sequences.

Office Action, pg. 2. The Applicants disagree and argue that Figure 19a clearly shows that the N50 segment can be randomized to create numerous DNA polynucleotides. Further, as exemplified in Figure 19b, this embodiment also contains the hybridized DNA polynucleotide "GCGACTGGACATCACGAG". Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have amended Claims 1 and 128 by deleting the term "DNA". This amendment is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants respectfully request that the Examiner withdraw the present rejection.

II. The Sequence Listing Is Compliant

The Examiner objects to Claim 21 because the claimed sequence does not have a sequence identifier. The Applicants have provided a Supplemental Sequence Listing that identifies the claimed sequence as SEQ ID NO: 67. Although SEQ ID NO: 67 was identified as a DNA/RNA sequence, PatentIn reverted to a default identification as a DNA sequence even though the sequence comprises uracil. Further, the Applicants request the Examiner to note that typographical errors were corrected in regards to the initial mis-identification of SEQ ID NOS:11-15 and 34 as DNA sequences. These sequences are now properly identified as RNA sequences because they contain uracil and no thymidines.

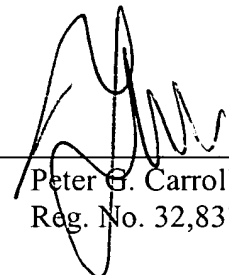
The Examiner is respectfully requested to withdraw the present objection.

CONCLUSION

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 617.984.0616.

Dated: January 18, 2007

By: _____


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